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STATEMENT BY APPLICANT**  
 (Not for submission under 37 CFR 1.99)

Application Number	11522320
Filing Date	2005-10-17
First Named Inventor	John Schenk
Art Unit	1657
Examiner Name	Tiffany Marueen Gough
Attorney Docket Number	XY-Optimum-USNP

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1	6328071			2001-12-11	Austin	
2	6698627			2004-03-02	Garcia et al.	
3	6729369			2004-04-04	Neas et al.	
4	6752298			2004-06-22	Garcia et al.	
5	6761286			2004-07-13	Py et al.	
6	6761288			2004-07-13	Garcia	
7	6789706			2004-09-14	Abergel et al.	
8	6789759			2004-09-14	Heldt	

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9	6793387	2004-09-21	Neas et al.	
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11	5492534	1996-02-20	Atheyde	
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18	6086574	2000-07-11	Carroll et al.	
19	4573796	1986-03-04	Martin	

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20	7105355		2006-09-12	Kurabayashi et al.	
21	5017497		1991-05-21	De Groot	
22	7195920	B2	2007-03-27	Seidel et al.	
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1	20060147894	A1	2006-07-06	Sowter		
2	20040107150	A1	2000-06-03	Neas et al.		
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12	20060281176	A1	2006-12-14	Seidel et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> i	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T5
1	2001029538	WO			2001-04-26	Becton Dickinson and Company		<input type="checkbox"/>
2	100998524	CN			2007-07-18	Beijing Glorious Land Agriculture Co.		<input type="checkbox"/>
3	2002041906	WO	A2		2001-11-21	Pharmacia Corp. (c/o Monsanto Company)		<input type="checkbox"/>
4	2003020877	WO	A2		2002-08-15	Pharmacia Corp. (c/o Monsanto Company)		<input type="checkbox"/>
5	2007016090	WO	A2		2002-02-08	XY, Inc.		<input type="checkbox"/>

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5	0140616	EP		1985-05-08	Technicon Instruments Corp.		<input type="checkbox"/>
7	199105236	WO		1991-04-18	Aerometrics, Inc.		<input type="checkbox"/>
8	2006060770	WO	A2	2006-08-06	XY, Inc.		<input type="checkbox"/>
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	1	Pursley, J.R. et al., Reproductive Management of Lactating Dairy Cows Using Synchronization of Ovulation; 1997 J. Dairy Sci 80:301-306	<input type="checkbox"/>
	2	Bagnato, A., Genetic and Breeding; Phenotypic Evaluation of Fertility Traits and Their Association with Milk Production of Italian Friesian Cattle; 1994 J. Dairy Sci 77:874-882	<input type="checkbox"/>
	3	Panskowski, J., A., et al. Use of Prostaglandin F2a as a Postpartum Reproductive Management Tool for Lactating Dairy Cows; 1995 J. Dairy Sci 78:1477-1488	<input type="checkbox"/>
	4	Scipioni, R. L., et al., Short Communication: An Electronic Probe Versus Milk Progesterone as Aids for Reproductive Management of Small Dairy Herds; 1999 J. Dairy Sci 82:1742-1745	<input type="checkbox"/>
	5	Fricke, P. M., Scanning the Future - Ultrasonography as a Reproductive Management Tool for Dairy Cattle; J. Dairy Sci 85:1918-1926	<input type="checkbox"/>

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6	Grant, V. J., et al., Sex-Sorted Sperm and Fertility: An Alternative View; <i>Biology of Reproduction</i> 76, 184-188 (2007)	<input type="checkbox"/>
7	Garner, D. L., Sex-Sorting Mammalian Sperm: Concept to Application in Animals; <i>Journal of Andrology</i> , Vol. 22, No. 4 July/Aug. 2001	<input type="checkbox"/>
8	Tubman, L.M. et al., Characteristics of calves produced with sperm sexed by flow cytometry/cell sorting; 2004 Amer. Society of Animal Sciences; 82:1029-1036	<input type="checkbox"/>
9	Weigel, K. A., Exploring the Role of Sexed Semen in Dairy Production Systems; <i>J. Dairy Sci.</i> 87: (E.Supp.): E120-E130; 2004 American Dairy Science Assoc.	<input type="checkbox"/>
10	Ferre, L., et al., In vitro-derived embryo production with sexed and unsexed semen from different bulls; <i>Reproduction Fertility and Development</i> , Vol 16, Part 1/2, Page 253, 2004	<input type="checkbox"/>
11	Dalton, J.C., et al., Effect of Time of Insemination on Number of Accessory Sperm, Fertilization Rate, and Embryo Quality in Nonlactating Dairy Cattle. <i>J Dairy Sci.</i> 84:2413 - 2418	<input type="checkbox"/>
12	Dransfield, M.B.G., et al., Timing of Insemination for Dairy Cows Identified in Estrus by a Radiotelemetric Estrus Detection System. 1998 <i>J Dairy Sci.</i> 81: 1874 - 1882	<input type="checkbox"/>
13	Maatje, K. et al. Predicting Optimal Time of Insemination in Cows that Show Visual Signs of Estrus by Estimating onset of Estrus with Pedometers	<input type="checkbox"/>
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17	Peeler, I. D. et al. Pregnancy Rates After Times AI of Heifers Following Removal of Intravaginal Progesterone Inserts, J. Dair Sci., 87:2868-2873; 2004	<input type="checkbox"/>
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19	Lukaszewicz, M. et al. Attempts on freezing the Greylag (Anser anser L.) gander semen Animal Reproduction Science 80 (2004) 163-173	<input type="checkbox"/>
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22	Chrenek, Peter et al. Fertilizing Capacity of Transgenic and Non-Transgenic Rabbit Spermatozoa after Heterospermic Insemination Bull Vet. Inst. Pulawy 49, 307-310, 2005	<input type="checkbox"/>
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24	Johnson L.A., et al. use of boar spermatozoa for artificial insemination, II. Fertilization Capacity of fresh and frozen spermatozoa in gilts inseminated either at a fixed time or according to walsmeta readings, Journal of Animal Science, vol. 54 No. 1, 1982 pp 126-131	<input type="checkbox"/>
25	Pursel, V. G., et al. Distribution and morphology of fresh and frozen-thawed sperm in the reproductive tract of gilts after artificial insemination; Biology of Reproduction 19, 69-76 (1978)	<input type="checkbox"/>
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28	Nikkei Biotech, Supplement, Latest Information of Biological Instruments and Reagents, 1988, pp. 93-94	<input type="checkbox"/>
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33	Rath, D., "On the Status of Sex-Specific Sperm Sorting" Review lecture ET Conference 2002, Department of Animal Production and Animal Behaviour, Mariensee, Germany	<input type="checkbox"/>
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35	Parallel Chinese Application Number CN 038174784.7; Office Action dated 03/16/2007	<input type="checkbox"/>
36	United States Application Number 11/092,509, response to Restriction filed 06/21/2006	<input type="checkbox"/>
37	United States application Number 11/092,338, Response to restriction filed 01/16/2007	<input type="checkbox"/>
38	United States Application Number 11/092,509, Resonse to OA filed 12/21/2006	<input type="checkbox"/>

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39	United States Application Number 11/092,313, Response to OA filed 02/06/2007	<input type="checkbox"/>
40	United States Application Number 10/433,183, Office Action mailed 1/22/2007	<input type="checkbox"/>
41	United States Application Number 11/092,509, FOA dated 3/26/2007	<input type="checkbox"/>
42	United States Application Number 11/092,313, OA mailed 05/03/2007	<input type="checkbox"/>
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48	United States Application Number 11/092,509, Pre-Appeal Conf Decision dated 11/21/2007	<input type="checkbox"/>
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Parallel European Regional Patent Application Number 03765919.0; Search Report dated 06/14/2006; and office action dated 10/10/2007



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